

## **REMARKS**

### **Summary**

Claims 1-20 stand in this application. Claims 1, 7 and 13-20 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 7 and 13-20 in order to facilitate prosecution on the merits.

### **Examiner Interview**

Applicants would like to thank Examiner LaForgia for conducting a telephone interview with Applicants' representative on November 8, 2007. During the interview, Examiner LaForgia and Applicants' representative discussed the independent claims, the applied reference(s), and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks. Furthermore, the Interview Summary dated November 9, 2007 states that Examiner LaForgia has agreed to not go final on the next Office Action if it is found that Perlman still reads on the claim language.

### **35 U.S.C. § 112**

Claims 3, 4 and 9 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the following remarks.

Applicant respectfully submits that proper definitions of the Iub and Iur specifications recited in claims 3, 4 and 9 can be found in the specification at least at page 7, paragraph 0019. Applicant respectfully submits that the Iub specification is defined in paragraph 0019 to specifically include “UTRAN Iub Interface: General Aspects and Principles,” 3G TS 25-430, release 1999” and Iur specification is defined in paragraph 0019 to specifically include “UTRAN Iur Interface: General Aspects and Principles,” 3G TS 25-420, release 1999. Consequently, Applicant respectfully requests withdraw of the § 112 rejection.

### **Official Notice**

At least at pages 5 and 6 of the Office Action the Examiner takes Office Notice of a portion of the subject matter of claims 1, 7 and 13 which is not disclosed by the cited reference. Based on the above amendments and the following remarks, Applicant respectfully requests that the Examiner remove each and every assertion of Official Notice and provide adequate documentary support for the above recited claims.

### **35 U.S.C. § 103**

At page 5, paragraph 14 of the Office Action claims 1, 5, 6 and 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,996,712 to Perlman et al. (“Perlman”). At page 8, paragraph 26 of the Office Action claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Perlman in view of draft 3G TS 22.100 (“TS 22.100”). At page 8, paragraph 27 of the Office Action claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable

over Perlman in view of TS 25.427 (“TS 25.427”) and further in view of TS 22.100. At page 9, paragraph 31 of the Office Action claims 3, 4, 7 and 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Perlman in view of TS 25.427. Applicant respectfully traverses the rejections, and requests reconsideration and withdrawal of the obviousness rejections.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited reference fails to teach or suggest every element recited in claims 1-20. Therefore claims 1-20 define over Perlman. For example, claim 1 recites the following language, in relevant part:

said frame authentication module to authenticate multiple frames communicated by said network interface, with each frame containing authentication information in a spare extension field, or encode multiple frames with authentication information if the frames do not include authentication information.

According to the Office Action, the missing language is disclosed by Perlman at column 6, lines 14-27. Applicant respectfully disagrees.

Applicant respectfully submits that Perlman fails to teach, suggest or disclose the missing language. Perlman at the given cite, in relevant part, states:

The recipient may then choose one of the selected integrity check functions to authenticate the packet, and compare the result of the encoding of the received bytes using the chosen function with the received result that corresponds to the same function. To avoid detection, an interloper would thus have to produce a forged packet that decoded to the corresponding results for all of selected integrity functions, presumably without knowledge of which functions have been selected for the packet. Accordingly, the combining of more than one integrity functions for each of the p data packets further increases the robustness of the system over the use of a single function selected from the set of functions.

By way of contrast, the claimed subject matter teaches “said frame authentication module to authenticate multiple frames communicated by said network interface, with each frame containing authentication information in a spare extension field, or encode multiple frames with authentication information if the frames do not include authentication information.” Applicant respectfully submits that this is different than the above recited teaching of Perlman.

Applicant respectfully submits that claim 1 defines over Perlman. Applicant respectfully submits that he has been unable to locate at least “said frame authentication

module to authenticate multiple frames communicated by said network interface, with each frame containing authentication information in a spare extension field” as recited in claim 1. Applicant respectfully submits that Perlman, arguably, teaches including integrity blocks with a data packet. Applicant respectfully submits, however, that he has been unable to locate any teaching in Perlman directed to authentication information being transmitted in every packet as recited in amended independent claim 1. Therefore, Applicant respectfully submits that Perlman fails to disclose, teach or suggest the missing language.

Applicant respectfully submits that TS 22.100 and TS 25.427 also fail to teach, suggest or disclose the missing language. Consequently, the cited references, taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claim 1 is respectfully requested. Claims 2-6 also are non-obvious and patentable over Perlman at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claims 7, 13 and 17 have been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 7, 13 and 17 are not obvious and are patentable over the cited references, taken alone or in combination, for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 7, 13 and 17. Furthermore, Applicant respectfully requests withdrawal of the obviousness

rejection with respect to claims 8-12, 14-16 and 18-20 that depend from claims 7, 13 and 17 respectively, and therefore contain additional features that further distinguish these claims from cited references.

For at least the reasons given above, claims 1-20 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination. Accordingly, removal of the obviousness rejection with respect to claims 1-20 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-20 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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Reply to Office Action of September 26, 2007

Docket No.: 1020.P18644  
Examiner: Laforgia, Christian A.  
TC/A.U. 2131

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

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